

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RILEY FRANZ, and JEFFREY FRANZ
and BRANDI FRANZ, as NEXT FRIEND
for ISABELLA FRANZ, a Minor,

Plaintiffs,

v

Hon. Mark A. Goldsmith
Magistrate Anthony P. Patti
No. 21-12871

OXFORD COMMUNITY SCHOOLS,
TIMOTHY THRONE, STEVEN WOLF,
NICHOLAS EJAK, SHAWN HOPKINS,
PAMELA FINE, JACQUELYN KUBINA,
ALLISON KARPINSKI and BECKY MORGAN,

Defendants.

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ANSWER TO SECOND AMENDED COMPLAINT

Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE,
STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE,

JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their answer to Plaintiffs' Second Amended Complaint as follows:

INTRODUCTION

Defendants deny the narration of facts set forth in the "Introduction" for the reason that said Introduction is improper as to form, as required by the applicable rules of pleadings. Otherwise, the allegations therein are denied for the reason that they are untrue as to factual representation and contain incorrect and erroneous conclusions of law. Therefore, Plaintiffs are left to their proofs thereon.

JURISDICTION AND VENUE

1. In answer to paragraph 1, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

2. In answer to paragraph 2, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

3. In answer to paragraph 3, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

4. In answer to paragraph 4, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

5. In answer to paragraph 5, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

6. In answer to paragraph 6, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

PARTIES

7. In answer to paragraph 7, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 6 inclusive, as if fully set forth herein.

8. In answer to paragraph 8, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

9. In answer to paragraph 9, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

10. In answer to paragraph 10, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

11. In answer to paragraph 11, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

12. In answer to paragraph 12, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

13. In answer to paragraph 13, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

14. In answer to paragraph 14, Defendant, Timothy Throne, admits that he was the Acting Superintendent of Oxford Community Schools, and has since retired. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

15. In answer to paragraph 15, Defendant, Steven Wolf, admits that he was the Principal for Oxford High School. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

16. In answer to paragraph 16, Defendants admit that Nicholas Ejak was an

employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

17. In answer to paragraph 17, Defendants admit that Shawn Hopkins was an employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

18. In answer to paragraph 18, Defendants admit that Pamela Fine was an employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

19. In answer to paragraph 19, Defendants admit that Jacqueline Kubina was an employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

20. In answer to paragraph 20, Defendants admit that Allison Karpinski was an employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

21. In answer to paragraph 21, Defendants admit that Becky Morgan was

an employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

FACTUAL STATEMENT

22. In answer to paragraph 22, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 21 inclusive, as if fully set forth herein.

23. In answer to paragraph 23, Defendants admit that RILEY FRANZ was an 18-year-old female senior student at Oxford High School, who was 17-years-old at the time of the incident.

24. In answer to paragraph 24, Defendants admit that Plaintiffs' Minor, ISABELLA FRANZ, was a 14-year-old female freshman student at Oxford High School.

25. In answer to paragraph 25, Defendants admit that Ethan Crumbley was a 15-year-old male sophomore at Oxford High School at the time of the incident.

26. In answer to paragraph 26, Defendants admit that Defendant THRONE was the Superintendent of the Oxford Community School District.

27. In answer to paragraph 27, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

28. In answer to paragraph 28, Defendants admit the allegations.

29. In answer to paragraph 29, Defendants admit that Defendant WOLF was the Principal of Oxford High School.

30. In answer to paragraph 30, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

31. In answer to paragraph 31, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

32. In answer to paragraph 32, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

33. In answer to paragraph 33, Defendants admit Defendant EJAK is an employee of the School District. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiff to their proofs.

34. In answer to paragraph 34, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

35. In answer to paragraph 35, Defendants deny the allegations for the

reason that the allegations are untrue.

36. In answer to paragraph 36, Defendants deny the allegations contained therein for the reason that they are untrue.

37. In answer to paragraph 37, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

38. In answer to paragraph 38, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

39. In answer to paragraph 39, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

40. In answer to paragraph 40, Defendants deny the allegations contained therein for the reason that they are untrue.

41. In answer to paragraph 41, Defendants deny the allegations contained therein for the reason that they are untrue.

42. In answer to paragraph 42, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

43. In answer to paragraph 43, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

44. In answer to paragraph 44, Defendants deny the allegations contained therein for the reason that they are untrue.

45. In answer to paragraph 45, Defendants deny the allegations contained therein for the reason that they are untrue.

46. In answer to paragraph 46, Defendants deny the allegations contained therein for the reason that they are untrue.

47. In answer to paragraph 47, Defendants deny the allegations contained therein for the reason that they are untrue.

48. In answer to paragraph 48, Defendants deny the allegations contained therein for the reason that they are untrue.

49. In answer to paragraph 49, Defendants deny the allegations for the reason that the allegations are untrue.

50. In answer to paragraph 50, Defendants deny the allegations for the reason that the allegations are untrue.

51. In answer to paragraph 51, Defendants deny the allegations contained therein for the reason that they are untrue.

52. In answer to paragraph 52, Defendants deny the allegations for the reason that the allegations are untrue.

53. In answer to paragraph 53, Defendants deny the allegations for the reason that the allegations are untrue.

54. In answer to paragraph 54, Defendants deny the allegations for the reason that the allegations are untrue.

55. In answer to paragraph 55, Defendants deny the allegations contained therein for the reason that they are untrue.

56. In answer to paragraph 56, Defendants deny the allegations contained therein for the reason that they are untrue.

57. In answer to paragraph 57, Defendants deny the allegations contained therein for the reason that they are untrue.

58. In answer to paragraph 58, Defendants deny the allegations contained therein for the reason that they are untrue.

59. In answer to paragraph 59, Defendants deny the allegations contained therein for the reason that they are untrue.

60. In answer to paragraph 60, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

61. In answer to paragraph 61, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

62. In answer to paragraph 62, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

63. In answer to paragraph 63, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

64. In answer to paragraph 64, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

65. In answer to paragraph 65, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

66. In answer to paragraph 66, Defendants deny the allegations contained therein for the reason that they are untrue.

67. In answer to paragraph 67, Defendants deny the allegations contained therein for the reason that they are untrue.

68. In answer to paragraph 68, Defendants deny the allegations contained therein for the reason that they are untrue.

69. In answer to paragraph 69, Defendants deny the allegations contained therein for the reason that they are untrue.

70. In answer to paragraph 70, Defendants deny the allegations contained therein for the reason that they are untrue.

71. In answer to paragraph 71, Defendants deny the allegations contained therein for the reason that they are untrue.

72. In answer to paragraph 72, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

73. In answer to paragraph 73, Defendants deny the allegations contained therein for the reason that they are untrue.

74. In answer to paragraph 74, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

75. In answer to paragraph 75, Defendants deny the allegations contained therein for the reason that they are untrue.

76. In answer to paragraph 76, Defendants deny the allegations contained therein for the reason that they are untrue.

77. In answer to paragraph 77, Defendants deny the allegations contained therein for the reason that they are untrue.

78. In answer to paragraph 78, Defendants deny the allegations contained therein for the reason that they are untrue.

79. In answer to paragraph 79, Defendants deny the allegations contained therein for the reason that they are untrue.

80. In answer to paragraph 80, Defendants deny the allegations contained therein for the reason that they are untrue.

81. In answer to paragraph 81, Defendants deny the allegations contained therein for the reason that they are untrue.

82. In answer to paragraph 82, Defendants deny the allegations contained therein for the reason that they are untrue.

83. In answer to paragraph 83, Defendants deny the allegations contained therein for the reason that they are untrue.

84. In answer to paragraph 84, Defendants deny the allegations contained therein for the reason that they are untrue.

85. In answer to paragraph 85, Defendants deny the allegations contained therein for the reason that they are untrue.

86. In answer to paragraph 86, Defendants deny the allegations contained therein for the reason that they are untrue.

87. In answer to paragraph 87, Defendants deny the allegations contained therein for the reason that they are untrue.

88. In answer to paragraph 88, Defendants deny the allegations contained therein for the reason that they are untrue.

89. In answer to paragraph 89, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

90. In answer to paragraph 90, Defendants deny the allegations contained therein for the reason that they are untrue.

91. In answer to paragraph 91, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

92. In answer to paragraph 92, Defendants deny the allegations contained therein for the reason that they are untrue.

93. In answer to paragraph 93, Defendants deny the allegations contained therein for the reason that they are untrue.

94. In answer to paragraph 94, Defendants deny the allegations contained therein for the reason that they are untrue.

95. In answer to paragraph 95, Defendants deny the allegations contained therein for the reason that they are untrue.

96. In answer to paragraph 96, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

97. In answer to paragraph 97, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

98. In answer to paragraph 98, Defendants deny the allegations contained therein for the reason that they are untrue.

99. In answer to paragraph 99, Defendants deny the allegations contained therein for the reason that they are untrue.

100. In answer to paragraph 100, Defendants deny the allegations contained therein for the reason that they are untrue.

101. In answer to paragraph 101, Defendants deny the allegations contained therein for the reason that they are untrue.

102. In answer to paragraph 102, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

103. In answer to paragraph 103, Defendants deny the allegations contained therein for the reason that they are untrue.

104. In answer to paragraph 104, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

105. In answer to paragraph 105, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

106. In answer to paragraph 106, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

107. In answer to paragraph 107, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

108. In answer to paragraph 108, Defendants deny the allegations contained therein for the reason that they are untrue.

109. In answer to paragraph 109, Defendants deny the allegations contained therein for the reason that they are untrue.

110. In answer to paragraph 110, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

111. In answer to paragraph 111, Defendants deny the allegations contained therein for the reason that they are untrue.

112. In answer to paragraph 112, Defendants deny the allegations contained therein for the reason that they are untrue.

113. In answer to paragraph 113, Defendants deny the allegations contained therein for the reason that they are untrue.

114. In answer to paragraph 114, Defendants deny the allegations contained therein for the reason that they are untrue.

115. In answer to paragraph 115, Defendants deny the allegations contained therein for the reason that they are untrue.

116. In answer to paragraph 116, Defendants deny the allegations contained therein for the reason that they are untrue.

117. In answer to paragraph 117, Defendants deny the allegations contained therein for the reason that they are untrue.

118. In answer to paragraph 118, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

119. In answer to paragraph 119, Defendants neither admit nor deny in the manner Plaintiffs have alleged and, therefore, leave Plaintiffs to their proofs. Defendants further state that its ALICE emergency response to the situation presented on November 30 saved lives. Oxford High School administration, including Principal Steve Wolf, Kristy Gibson-Marshall, and Kurt Nuss ran toward the incident, unarmed, to effectively save children, administer aid to injured parties, and to locate the perpetrator, putting themselves in harm's way.

120. In answer to paragraph 120, Defendants deny the allegations contained therein for the reason that they are untrue.

121. In answer to paragraph 121, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

122. In answer to paragraph 122, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

123. In answer to paragraph 123, Defendants deny the allegations contained therein for the reason that they are untrue.

124. In answer to paragraph 124, Defendants deny the allegations contained therein for the reason that they are untrue.

125. In answer to paragraph 125, Defendants deny the allegations contained therein for the reason that they are untrue.

126. In answer to paragraph 126, Defendants deny the allegations contained therein for the reason that they are untrue.

127. In answer to paragraph 127, Defendants deny the allegations contained therein for the reason that they are untrue.

128. In answer to paragraph 128, Defendants deny the allegations contained therein for the reason that they are untrue.

129. In answer to paragraph 129, Defendants deny the allegations contained therein for the reason that they are untrue.

130. In answer to paragraph 130, Defendants deny the allegations contained therein for the reason that they are untrue.

131. In answer to paragraph 131, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs with a final determination to be made by the Court.

132. In answer to paragraph 132, Defendants deny the allegations contained therein for the reason that they are untrue.

133. In answer to paragraph 133, Defendants deny the allegations contained therein for the reason that they are untrue.

134. In answer to paragraph 134, Defendants deny the allegations contained therein for the reason that they are untrue.

135. In answer to paragraph 135, Defendants deny the allegations contained therein for the reason that they are untrue.

136. In answer to paragraph 136, Defendants deny the allegations contained therein for the reason that they are untrue.

137. In answer to paragraph 137, Defendants deny the allegations contained therein for the reason that they are untrue.

138. In answer to paragraph 138, Defendants deny the allegations contained

therein for the reason that they are untrue.

139. In answer to paragraph 139, Defendants deny the allegations contained therein for the reason that they are untrue.

140. In answer to paragraph 140, Defendants deny the allegations contained therein for the reason that they are untrue.

141. In answer to paragraph 141, Defendants deny the allegations contained therein for the reason that they are untrue.

142. In answer to paragraph 142, Defendants deny the allegations contained therein for the reason that they are untrue.

143. In answer to paragraph 143, Defendants deny the allegations contained therein for the reason that they are untrue.

144. In answer to paragraph 144, Defendants deny the allegations contained therein for the reason that they are untrue.

145. In answer to paragraph 145, Defendants deny the allegations contained therein for the reason that they are untrue.

146. In answer to paragraph 146, Defendants deny the allegations contained therein for the reason that they are untrue.

147. In answer to paragraph 147, Defendants deny the allegations contained therein for the reason that they are untrue.

148. In answer to paragraph 148, Defendants deny the allegations contained

therein for the reason that they are untrue.

149. In answer to paragraph 149, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT I
VIOLATION OF CIVIL RIGHTS PURSUANT TO THE
14TH AMENDMENT TO THE CONSTITUTION
AND 42 U.S.C. §1983, 1988 STATE CREATED DANGER
AS TO DEFENDANTS TIMOTHY THRONE, STEVEN WOLF,
NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN
KUBINA, ALLISON KARPINSKI, and BECK MORGAN

150. In answer to paragraph 150, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 149 inclusive, as if fully set forth herein.

151. In answer to paragraph 151, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

152. In answer to paragraph 152, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

153. In answer to paragraph 153, Defendants deny the allegations contained therein for the reason that they are untrue.

154. In answer to paragraph 154, Defendants deny the allegations contained therein for the reason that they are untrue.

155. In answer to paragraph 155, Defendants deny the allegations contained therein for the reason that they are untrue.

156. In answer to paragraph 156 (a)-(v), Defendants deny the allegations contained therein for the reason that they are untrue.

157. In answer to paragraph 157, Defendants deny the allegations contained therein for the reason that they are untrue.

158. In answer to paragraph 158 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

159. In answer to paragraph 159 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

160. In answer to paragraph 160, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause

of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT II
VIOLATION OF CIVIL RIGHTS PURSUANT TO THE
14TH AMENDMENT TO THE CONSTITUTION
AND 42 U.S.C. §1983, 1988 – SUPERVISORY LIABILITY
DEFENDANTS SUPERINTENDENT TIMOTHY THRONE,
and PRINCIPAL STEVEN WOLF

161. In answer to paragraph 161, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 160 inclusive, as if fully set forth herein.

162. In answer to paragraph 162, Defendants deny the allegations contained therein for the reason that they are untrue.

163. In answer to paragraph 163, Defendants deny the allegations contained therein for the reason that they are untrue.

164. In answer to paragraph 164, Defendants deny the allegations contained therein for the reason that they are untrue.

165. In answer to paragraph 165, Defendants deny the allegations contained therein for the reason that they are untrue.

166. In answer to paragraph 166, Defendants deny the allegations contained therein for the reason that they are untrue.

167. In answer to paragraph 167, Defendants neither admit nor deny the

allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

168. In answer to paragraph 168, Defendants deny the allegations contained therein for the reason that they are untrue.

169. In answer to paragraph 169, Defendants deny the allegations contained therein for the reason that they are untrue.

170. In answer to paragraph 170 (a)-(v), Defendants deny the allegations contained therein for the reason that they are untrue.

171. In answer to paragraph 171 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

172. In answer to paragraph 172 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

173. In answer to paragraph 173, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause

of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT III
42 U.S.C. §1983 – MONELL LIABILITY
DEFENDANT OXFORD COMMUNITY SCHOOL DISTRICT

174. In answer to paragraph 174, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 173 inclusive, as if fully set forth herein.

175. In answer to paragraph 175, Defendants deny the allegations contained therein for the reason that they are untrue.

176. In answer to paragraph 176, Defendants deny the allegations contained therein for the reason that they are untrue.

177. In answer to paragraph 177, Defendants deny the allegations contained therein for the reason that they are untrue.

178. In answer to paragraph 178, Defendants deny the allegations contained therein for the reason that they are untrue.

179. In answer to paragraph 179, Defendants deny the allegations contained therein for the reason that they are untrue.

180. In answer to paragraph 180, Defendants deny the allegations contained therein for the reason that they are untrue.

181. In answer to paragraph 181, Defendants deny the allegations contained

therein for the reason that they are untrue.

182. In answer to paragraph 182, Defendants deny the allegations contained therein for the reason that they are untrue.

183. In answer to paragraph 183, Defendants deny the allegations contained therein for the reason that they are untrue.

184. In answer to paragraph 184, Defendants deny the allegations contained therein for the reason that they are untrue.

185. In answer to paragraph 185 (a)-(w), Defendants deny the allegations contained therein for the reason that they are untrue.

186. In answer to paragraph 186 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

187. In answer to paragraph 187, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT IV – GROSS NEGLIGENCE
DEFENDANT TIMOTHY THRONE

188. In answer to paragraph 188, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 187 inclusive, as if fully set forth herein.

189. In answer to paragraph 189, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

190. In answer to paragraph 190, Defendants deny the allegations contained therein for the reason that they are untrue.

191. In answer to paragraph 191, Defendants deny the allegations contained therein for the reason that they are untrue.

192. In answer to paragraph 192, Defendants deny the allegations contained therein for the reason that they are untrue.

193. In answer to paragraph 193, Defendants deny the allegations contained therein for the reason that they are untrue.

194. In answer to paragraph 194, Defendants deny the allegations contained therein for the reason that they are untrue.

195. In answer to paragraph 195, Defendants deny the allegations contained therein for the reason that they are untrue.

196. In answer to paragraph 196, Defendants deny the allegations contained therein for the reason that they are untrue.

197. In answer to paragraph 197, Defendants deny the allegations contained therein for the reason that they are untrue.

198. In answer to paragraph 198, Defendants deny the allegations contained therein for the reason that they are untrue.

199. In answer to paragraph 199, Defendants deny the allegations contained therein for the reason that they are untrue.

200. In answer to paragraph 200, Defendants deny the allegations contained therein for the reason that they are untrue.

201. In answer to paragraph 201, Defendants deny the allegations contained therein for the reason that they are untrue.

202. In answer to paragraph 202, Defendants deny the allegations contained therein for the reason that they are untrue.

203. In answer to paragraph 203, Defendants deny the allegations contained therein for the reason that they are untrue.

204. In answer to paragraph 204 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

205. In answer to paragraph 205 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

206. In answer to paragraph 206, Defendants deny the allegations contained therein for the reason that they are untrue.

207. In answer to paragraph 207, Defendants deny the allegations contained therein for the reason that they are untrue.

208. In answer to paragraph 208, Defendants deny the allegations contained therein for the reason that they are untrue.

209. In answer to paragraph 209, Defendants deny the allegations contained therein for the reason that they are untrue.

210. In answer to paragraph 210, Defendants deny the allegations contained therein for the reason that they are untrue.

211. In answer to paragraph 211, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause

of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT V– GROSS NEGLIGENCE
DEFENDANT STEVEN WOLF

212. In answer to paragraph 212, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 211 inclusive, as if fully set forth herein.

213. In answer to paragraph 213, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

214. In answer to paragraph 214, Defendants deny the allegations contained therein for the reason that they are untrue.

215. In answer to paragraph 215, Defendants deny the allegations contained therein for the reason that they are untrue.

216. In answer to paragraph 216, Defendants deny the allegations contained therein for the reason that they are untrue.

217. In answer to paragraph 217, Defendants deny the allegations contained therein for the reason that they are untrue.

218. In answer to paragraph 218, Defendants deny the allegations contained therein for the reason that they are untrue.

219. In answer to paragraph 219, Defendants deny the allegations contained therein for the reason that they are untrue.

220. In answer to paragraph 220, Defendants deny the allegations contained therein for the reason that they are untrue.

221. In answer to paragraph 221, Defendants deny the allegations contained therein for the reason that they are untrue.

222. In answer to paragraph 222, Defendants deny the allegations contained therein for the reason that they are untrue.

223. In answer to paragraph 223, Defendants deny the allegations contained therein for the reason that they are untrue.

224. In answer to paragraph 224, Defendants deny the allegations contained therein for the reason that they are untrue.

225. In answer to paragraph 225, Defendants deny the allegations contained therein for the reason that they are untrue.

226. In answer to paragraph 226, Defendants deny the allegations contained therein for the reason that they are untrue.

227. In answer to paragraph 227, Defendants deny the allegations contained therein for the reason that they are untrue.

228. In answer to paragraph 228, Defendants deny the allegations contained therein for the reason that they are untrue.

229. In answer to paragraph 229, Defendants deny the allegations contained therein for the reason that they are untrue.

230. In answer to paragraph 230, Defendants deny the allegations contained therein for the reason that they are untrue.

231. In answer to paragraph 231 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

232. In answer to paragraph 232 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

233. In answer to paragraph 233, Defendants deny the allegations contained therein for the reason that they are untrue.

234. In answer to paragraph 234, Defendants deny the allegations contained therein for the reason that they are untrue.

235. In answer to paragraph 235, Defendants deny the allegations contained therein for the reason that they are untrue.

236. In answer to paragraph 236, Defendants deny the allegations contained therein for the reason that they are untrue.

237. In answer to paragraph 237, Defendants deny the allegations contained therein for the reason that they are untrue.

238. In answer to paragraph 238, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT VI – GROSS NEGLIGENCE,
DEFENDANT NICHOLAS EJAK

239. In answer to paragraph 239, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 238 inclusive, as if fully set forth herein.

240. In answer to paragraph 240, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

241. In answer to paragraph 241, Defendants deny the allegations contained therein for the reason that they are untrue.

242. In answer to paragraph 242, Defendants deny the allegations contained therein for the reason that they are untrue.

243. In answer to paragraph 243, Defendants deny the allegations contained therein for the reason that they are untrue.

244. In answer to paragraph 244, Defendants deny the allegations contained therein for the reason that they are untrue.

245. In answer to paragraph 245, Defendants deny the allegations contained therein for the reason that they are untrue.

246. In answer to paragraph 246, Defendants deny the allegations contained therein for the reason that they are untrue.

247. In answer to paragraph 247, Defendants deny the allegations contained therein for the reason that they are untrue.

248. In answer to paragraph 248, Defendants deny the allegations contained therein for the reason that they are untrue.

249. In answer to paragraph 249, Defendants deny the allegations contained therein for the reason that they are untrue.

250. In answer to paragraph 250, Defendants deny the allegations contained therein for the reason that they are untrue.

251. In answer to paragraph 251, Defendants deny the allegations contained therein for the reason that they are untrue.

252. In answer to paragraph 252, Defendants deny the allegations contained therein for the reason that they are untrue.

253. In answer to paragraph 253, Defendants deny the allegations contained therein for the reason that they are untrue.

254. In answer to paragraph 254, Defendants deny the allegations contained therein for the reason that they are untrue.

255. In answer to paragraph 255 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

256. In answer to paragraph 256 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

257. In answer to paragraph 257, Defendants deny the allegations contained therein for the reason that they are untrue.

258. In answer to paragraph 258, Defendants deny the allegations contained therein for the reason that they are untrue.

259. In answer to paragraph 259, Defendants deny the allegations contained therein for the reason that they are untrue.

260. In answer to paragraph 260, Defendants deny the allegations contained therein for the reason that they are untrue.

261. In answer to paragraph 261, Defendants deny the allegations contained therein for the reason that they are untrue.

262. In answer to paragraph 262, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT VII – GROSS NEGLIGENCE
DEFENDANT SHAWN HOPKINS

263. In answer to paragraph 263, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 262 inclusive, as if fully set forth herein.

264. In answer to paragraph 264, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

265. In answer to paragraph 265, Defendants deny the allegations contained

therein for the reason that they are untrue.

266. In answer to paragraph 266, Defendants deny the allegations contained therein for the reason that they are untrue.

267. In answer to paragraph 267, Defendants deny the allegations contained therein for the reason that they are untrue.

268. In answer to paragraph 268, Defendants deny the allegations contained therein for the reason that they are untrue.

269. In answer to paragraph 269, Defendants deny the allegations contained therein for the reason that they are untrue.

270. In answer to paragraph 270, Defendants deny the allegations contained therein for the reason that they are untrue.

271. In answer to paragraph 271, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

272. In answer to paragraph 272, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

273. In answer to paragraph 273, Defendants deny the allegations contained therein for the reason that they are untrue.

274. In answer to paragraph 274, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

275. In answer to paragraph 275, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

276. In answer to paragraph 276, Defendants deny the allegations contained therein for the reason that they are untrue.

277. In answer to paragraph 277, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

278. In answer to paragraph 278, Defendants deny the allegations contained therein for the reason that they are untrue.

279. In answer to paragraph 279, Defendants deny the allegations contained therein for the reason that they are untrue.

280. In answer to paragraph 280, Defendants deny the allegations contained therein for the reason that they are untrue.

281. In answer to paragraph 281, Defendants deny the allegations contained therein for the reason that they are untrue.

282. In answer to paragraph 282, Defendants deny the allegations contained therein for the reason that they are untrue.

283. In answer to paragraph 283, Defendants deny the allegations contained therein for the reason that they are untrue.

284. In answer to paragraph 284, Defendants deny the allegations contained therein for the reason that they are untrue.

285. In answer to paragraph 285 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

286. In answer to paragraph 286 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

287. In answer to paragraph 287, Defendants deny the allegations contained therein for the reason that they are untrue.

288. In answer to paragraph 288, Defendants deny the allegations contained therein for the reason that they are untrue.

289. In answer to paragraph 289, Defendants deny the allegations contained therein for the reason that they are untrue.

290. In answer to paragraph 290, Defendants deny the allegations contained therein for the reason that they are untrue.

291. In answer to paragraph 291, Defendants deny the allegations contained therein for the reason that they are untrue.

292. In answer to paragraph 292, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT VIII – GROSS NEGLIGENCE,
DEFENDANT PAMELA FINE

293. In answer to paragraph 293, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 292 inclusive, as if fully set forth herein.

294. In answer to paragraph 294, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

295. In answer to paragraph 295, Defendants deny the allegations contained therein for the reason that they are untrue.

296. In answer to paragraph 296, Defendants deny the allegations contained therein for the reason that they are untrue.

297. In answer to paragraph 297, Defendants deny the allegations contained therein for the reason that they are untrue.

298. In answer to paragraph 298, Defendants deny the allegations contained therein for the reason that they are untrue.

299. In answer to paragraph 299, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

300. In answer to paragraph 300, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

301. In answer to paragraph 301, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

302. In answer to paragraph 302, Defendants deny the allegations contained therein for the reason that they are untrue.

303. In answer to paragraph 303, Defendants deny the allegations contained therein for the reason that they are untrue.

304. In answer to paragraph 304, Defendants deny the allegations contained therein for the reason that they are untrue.

305. In answer to paragraph 305, Defendants deny the allegations contained

therein for the reason that they are untrue.

306. In answer to paragraph 306, Defendants deny the allegations contained therein for the reason that they are untrue.

307. In answer to paragraph 307, Defendants deny the allegations contained therein for the reason that they are untrue.

308. In answer to paragraph 308, Defendants deny the allegations contained therein for the reason that they are untrue.

309. In answer to paragraph 309 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

310. In answer to paragraph 310 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

311. In answer to paragraph 311, Defendants deny the allegations contained therein for the reason that they are untrue.

312. In answer to paragraph 312, Defendants deny the allegations contained therein for the reason that they are untrue.

313. In answer to paragraph 313, Defendants deny the allegations contained therein for the reason that they are untrue.

314. In answer to paragraph 314, Defendants deny the allegations contained therein for the reason that they are untrue.

315. In answer to paragraph 315, Defendants deny the allegations contained

therein for the reason that they are untrue.

316. In answer to paragraph 316, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT IX – GROSS NEGLIGENCE
DEFENDANT BECKY MORGAN

317. In answer to paragraph 317, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 316 inclusive, as if fully set forth herein.

318. In answer to paragraph 318, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

319. In answer to paragraph 319, Defendants deny the allegations contained therein for the reason that they are untrue.

320. In answer to paragraph 320, Defendants deny the allegations contained therein for the reason that they are untrue.

321. In answer to paragraph 321, Defendants deny the allegations contained therein for the reason that they are untrue.

322. In answer to paragraph 322, Defendants deny the allegations contained therein for the reason that they are untrue.

323. In answer to paragraph 323, Defendants deny the allegations contained therein for the reason that they are untrue.

324. In answer to paragraph 324, Defendants deny the allegations contained therein for the reason that they are untrue.

325. In answer to paragraph 325, Defendants deny the allegations contained therein for the reason that they are untrue.

326. In answer to paragraph 326, Defendants deny the allegations contained therein for the reason that they are untrue.

327. In answer to paragraph 327 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

328. In answer to paragraph 328 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

329. In answer to paragraph 329, Defendants deny the allegations contained therein for the reason that they are untrue.

330. In answer to paragraph 330, Defendants deny the allegations contained therein for the reason that they are untrue.

331. In answer to paragraph 331, Defendants deny the allegations contained therein for the reason that they are untrue.

332. In answer to paragraph 332, Defendants deny the allegations contained therein for the reason that they are untrue.

333. In answer to paragraph 333, Defendants deny the allegations contained therein for the reason that they are untrue.

334. In answer to paragraph 334, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT X – GROSS NEGLIGENCE
DEFENDANT JACQUELYN KUBINA

335. In answer to paragraph 335, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 334 inclusive, as if fully set forth herein.

336. In answer to paragraph 336, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

337. In answer to paragraph 337, Defendants deny the allegations contained therein for the reason that they are untrue.

338. In answer to paragraph 338, Defendants deny the allegations contained therein for the reason that they are untrue.

339. In answer to paragraph 339, Defendants deny the allegations contained therein for the reason that they are untrue.

340. In answer to paragraph 340, Defendants deny the allegations contained therein for the reason that they are untrue.

341. In answer to paragraph 341, Defendants deny the allegations contained therein for the reason that they are untrue.

342. In answer to paragraph 342, Defendants deny the allegations contained therein for the reason that they are untrue.

343. In answer to paragraph 343 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

344. In answer to paragraph 344 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

345. In answer to paragraph 345, Defendants deny the allegations contained therein for the reason that they are untrue.

346. In answer to paragraph 346, Defendants deny the allegations contained therein for the reason that they are untrue.

347. In answer to paragraph 347, Defendants deny the allegations contained therein for the reason that they are untrue.

348. In answer to paragraph 348, Defendants deny the allegations contained therein for the reason that they are untrue.

349. In answer to paragraph 349, Defendants deny the allegations contained therein for the reason that they are untrue.

350. In answer to paragraph 350, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT XI – GROSS NEGLIGENCE
DEFENDANT ALLISON KARPINSKI

351. In answer to paragraph 351, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 350 inclusive, as if fully set forth herein.

352. In answer to paragraph 352, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

353. In answer to paragraph 353, Defendants deny the allegations contained therein for the reason that they are untrue.

354. In answer to paragraph 354, Defendants deny the allegations contained therein for the reason that they are untrue.

355. In answer to paragraph 355, Defendants deny the allegations contained therein for the reason that they are untrue.

356. In answer to paragraph 356, Defendants deny the allegations contained therein for the reason that they are untrue.

357. In answer to paragraph 357, Defendants deny the allegations contained therein for the reason that they are untrue.

358. In answer to paragraph 358, Defendants deny the allegations contained therein for the reason that they are untrue.

359. In answer to paragraph 359 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

360. In answer to paragraph 360 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

361. In answer to paragraph 361, Defendants deny the allegations contained therein for the reason that they are untrue.

362. In answer to paragraph 362, Defendants deny the allegations contained therein for the reason that they are untrue.

363. In answer to paragraph 363, Defendants deny the allegations contained therein for the reason that they are untrue.

364. In answer to paragraph 364, Defendants deny the allegations contained therein for the reason that they are untrue.

365. In answer to paragraph 365, Defendants deny the allegations contained therein for the reason that they are untrue.

366. In answer to paragraph 366, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

**COUNT XII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
TO PLAINTIFF RILEY FRANZ
BY ALL DEFENDANTS**

367. In answer to paragraph 367, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 366 inclusive, as if fully set forth herein.

368. In answer to paragraph 368, Defendants deny the allegations contained therein for the reason that they are untrue.

369. In answer to paragraph 369, Defendants deny the allegations contained

therein for the reason that they are untrue.

370. In answer to paragraph 370, Defendants deny the allegations contained therein for the reason that they are untrue.

371. In answer to paragraph 371, Defendants deny the allegations contained therein for the reason that they are untrue.

372. In answer to paragraph 372 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

**COUNT XIII – INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS/NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
TO PLAINTIFF ISABELLA FRANZ
BY ALL DEFENDANTS**

373. In answer to paragraph 373, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 372 inclusive, as if fully set forth herein.

374. In answer to paragraph 374, Defendants deny the allegations contained

therein for the reason that they are untrue.

375. In answer to paragraph 375, Defendants deny the allegations contained therein for the reason that they are untrue.

376. In answer to paragraph 376, Defendants deny the allegations contained therein for the reason that they are untrue.

377. In answer to paragraph 377, Defendants deny the allegations contained therein for the reason that they are untrue.

378. In answer to paragraph 378, Defendants deny the allegations contained therein for the reason that they are untrue.

379. In answer to paragraph 379, Defendants deny the allegations contained therein for the reason that they are untrue.

380. In answer to paragraph 380 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

COUNT XIV – VIOLATION OF CHILD PROTECTION LAW
MCL § 722.621, ET SEQ.
ALL DEFENDANTS

381. In answer to paragraph 381, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 380 inclusive, as if fully set forth herein.

382. In answer to paragraph 382, Defendants deny the allegations contained therein for the reason that they are untrue.

383. In answer to paragraph 383, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

384. In answer to paragraph 384, Defendants deny the allegations contained therein for the reason that they are untrue.

385. In answer to paragraph 385, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

386. In answer to paragraph 386, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

387. In answer to paragraph 387, Defendants deny the allegations contained therein for the reason that they are untrue.

388. In answer to paragraph 388, Defendants deny the allegations contained therein for the reason that they are untrue.

389. In answer to paragraph 389, Defendants deny the allegations contained therein for the reason that they are untrue.

390. In answer to paragraph 390, Defendants deny the allegations contained therein for the reason that they are untrue.

391. In answer to paragraph 391, Defendants deny the allegations contained therein for the reason that they are untrue.

392. In answer to paragraph 392, Defendants deny the allegations contained therein for the reason that they are untrue.

393. In answer to paragraph 393, Defendants deny the allegations contained therein for the reason that they are untrue.

394. In answer to paragraph 394, Defendants deny the allegations contained therein for the reason that they are untrue.

395. In answer to paragraph 395, Defendants deny the allegations contained therein for the reason that they are untrue.

396. In answer to paragraph 396, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

397. In answer to paragraph 397, Defendants deny the allegations contained therein for the reason that they are untrue.

398. In answer to paragraph 398, Defendants deny the allegations contained therein for the reason that they are untrue.

399. In answer to paragraph 399, Defendants deny the allegations contained therein for the reason that they constitute incorrect conclusions of law, rather than allegations of fact, which are either incorrect or inapplicable as applied to the case herein and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

400. In answer to paragraph 400, Defendants deny the allegations contained therein for the reason that they are untrue.

401. In answer to paragraph 401, Defendants deny the allegations contained therein for the reason that they are untrue.

402. In answer to paragraph 402 (a)-(x), Defendants deny the allegations contained therein for the reason that they are untrue.

403. In answer to paragraph 403 (a)-(r), Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC

Attorney for Defendants

DATED: June 17, 2022

AFFIRMATIVE DEFENSES

Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their Affirmative Defenses as follows:

1. Defendants deny that they breached any duties and, further, deny that they were negligent in any manner. Defendants affirmatively state that they were guided by and strictly observed all legal duties and obligations imposed by operation of law and otherwise. Further, all actions of their agents, servants and/or employees were careful, prudent, proper and lawful.

2. Plaintiffs have failed to state a claim or cause of action against these Defendants as to which relief can be granted as prayed.

3. Defendants will show and rely upon at the time of trial that any injury or damage complained of by Plaintiffs was proximately caused by third persons not under the control of these Defendants.

4. Defendants will show and rely upon at the time of trial that at all times pertinent hereto, Defendants were engaged in the performance of governmental functions and, therefore, are immune from suit for civil damages for this claim pursuant to the principles of governmental immunity as set forth in case law and the statutes of this State.

5. Plaintiffs' claims are barred by the doctrine of preemption.

6. Defendants will show at the time of trial that all actions or communications complained of in Plaintiffs' Complaint were absolutely or qualifiedly privileged pursuant to the Constitutions, statutes and common law of the State of Michigan and of the United States and, further, that Defendants are both statutorily immune and the claims as to the Defendants are also barred by qualified immunity.

7. Defendants are not liable to Plaintiffs for the criminal, assaultive acts of third parties.

8. This Court lacks jurisdiction over the subject matter of Plaintiffs' Complaint.

9. Plaintiffs' claim is barred by the Michigan Revised School Code.

10. Plaintiffs' Complaint is conclusory in nature and fails to state a claim and sufficient facts upon which relief can be granted.

11. Defendants will show that Plaintiffs have failed to prove any deprivation of a Federal right, nor have Plaintiffs alleged or proven an act of deprivation taken under color of law sufficient to maintain an action based upon the Fourteenth Amendment or 42 USC §1983, § 1988 or the Michigan constitution or statutes.

12. Plaintiffs have failed to mitigate their damages.

13. Plaintiffs' Complaint is barred by the provisions of the Eleventh Amendment.

14. Plaintiffs' claim is barred by claim and issue preclusion.

15. Plaintiff's claims against Defendants fail because Plaintiffs cannot show that Defendants acted with deliberate indifference regarding Plaintiffs' allegations of injury.

16. Defendants have not violated any clearly established constitutional or statutory right.

17. As a matter of law, OXFORD COMMUNITY SCHOOLS cannot be held vicariously liable for its employees' actions.

18. Plaintiffs' claim fails as a matter of law and fact because Defendants were not required to protect Plaintiffs from the violence or other mishaps that are not directly attributable to the conduct of its employees.

19. Defendants will show and rely upon at the time of trial that Plaintiffs had preexisting medical conditions which are a contributing proximate cause of the injuries complained of.

20. Plaintiffs' claims are barred by qualified immunity.

21. Plaintiffs' claims are barred by the doctrine of Legislative immunity.

22. Defendants reserve the right to amend their Answer, including additional affirmative defenses, upon completion.

/s/TIMOTHY J. MULLINS
GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: June 17, 2022

RELIANCE UPON JURY DEMAND

Defendants, OXFORD COMMUNITY SCHOOLS, TIMOTHY THRONE, STEVEN WOLF, NICHOLAS EJAK, SHAWN HOPKINS, PAMELA FINE, JACQUELYN KUBINA, ALLISON KARPINSKI and BECKY MORGAN, by and

through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., hereby rely upon the jury demand previously filed by Plaintiffs as to all issues of trial.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants

DATED: June 17, 2022

CERTIFICATE OF ELECTRONIC SERVICE

TIMOTHY J. MULLINS states that on June 17, 2022, he did serve a copy of the **Answer, Affirmative Defenses and Reliance Upon Jury Demand** via the United States District Court electronic transmission.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
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